

REMARKS

In view of the above amendments and the following remarks, reconsideration of the rejections and objections, and further examination are requested.

Claims 9-16 were pending in this application and stand rejected. Claims 9-16 are amended herein. No new matter has been added.

During a review of the specification and drawings, it was discovered that Figures 5-1/2, 5-2/2, 7-1/3, 7-2/3 and 7-3/3 each required a minor correction to be properly coordinated with the specification. Specifically, Figures 5-1/2, 5-2/2, 7-1/3, 7-2/3 and 7-3/3 have been amended to be titled 5A, 5B, 7A, 7B and 7C, respectively. New formal Figures 5A, 5B, 7A, 7B and 7C have been prepared and are submitted herewith, and include those changes detailed above.

The Examiner indicated in the Office Action that the Information Disclosure Statement (IDS) filed March 24, 2006 fails to comply with the written provisions of 37 C.F.R. 1.97, 1.98 and MPEP § 609 because a written English language translation of the cited non-English language documents has not been provided. However, the Office Action contained copies of the March 24, 2006 form PTO 1449 and of the March 29, 2007 form PTO 1449 in which the Examiner indicated that “ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH.” Thus, it appears that the Examiner has properly considered references “AA” - “AG” of the March 24, 2006 IDS, and properly considered the reference provided in the March 29, 2007 IDS.

It also appears that the Examiner did not consider references “AH”-“AK” (because they have been “lined through”) of the March 24, 2006 IDS on the basis that a written English translation has not been provided. However these references were cited in the International Search report for the present application. Thus, the Examiner cannot properly refuse to consider these references on the basis that a written English translation has not been provided.

The Examiner also asserted that no copy of the document “The Detection of an Objection in a Dish Image Based on a Constraint from Text Information” from the papers in the 17th Annual Conference of the Japanese Society for Artificial Intelligence has been provided. However, the cited reference was filed with the March 24, 2006 IDS, but it appears that the title as listed in the form PTO 1449 is slightly different from the title of the reference. Specifically, the translated title of the reference is “Object detection from cooking video by restriction from

accompanying text information.” We believe the titles are different due to translation from Japanese into English. In order to aid the Examiner in identifying this reference, it should be noted that it also has a header within the top one inch margin which reads “*The 17th Annual Conference of the Japanese Society for Artificial Intelligence, 2003.*” Thus, the Applicants submit that the reference was filed and respectfully request that the Examiner consider this reference and make it of record in this application.

Accordingly, for at least the reasons set forth above, the Applicants respectfully request that the Examiner consider all of the references filed with the March 24, 2006 IDS and make them of record in this application.

The specification and abstract have been carefully reviewed and revised to make grammatical and idiomatic improvements in order to aid the Examiner in further consideration of the application. A substitute specification and abstract including the revisions have been prepared and are submitted herewith. No new matter has been added. Also submitted herewith are marked-up copies of the substitute specification and abstract indicating the changes incorporated therein.

The Examiner has objected to the specification on the basis that paragraphs 2 and 3 on page 1 of the specification should be inverted. The Applicants have reversed the order of paragraphs 2 and 3 on page 1 of the specification as suggested by the Examiner.

Accordingly, the Applicants respectfully request that the objection to the specification be withdrawn.

The Examiner has objected to claim 9 on the basis that line 17 should read “a certainty factor for each of objects that make up” or “a certainty factor for objects that make up...” The Applicants have amended claim 9 to address the Examiner’s concern.

Accordingly, the Applicants respectfully request that the objection to claim 9 be withdrawn.

Claim 11 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Claim 11 has been amended to address the Examiner’s concerns.

Accordingly, the Applicants respectfully request that the 35 U.S.C. § 112, second paragraph rejection of claim 11 be withdrawn.

Claims 1-14 and 16 have been rejected under 35 U.S.C. § 101 on the basis that claimed inventions are directed towards non-statutory subject matter. Because claims 1-8 were previously cancelled they cannot be rejected under 35 U.S.C. § 101. Thus, it appears that the Examiner intended to reject claims 9-14 and 16 under 35 U.S.C. § 101. Claims 9 and 16 have been amended to recite statutory subject matter.

Accordingly, the Applicants respectfully request that the 35 U.S.C. § 101 rejection of claims 9-14 and 16 be withdrawn.

Claims 9-11 and 14-16 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Hamada et al. ("Associating Cooking Video with Related Textbook"; 2000) (hereinafter referred to as "Hamada").

Independent claims 9 and 16 have been amended to distinguish over the references cited by the Examiner.

The above rejections are submitted to be inapplicable to the amended claims for the following reasons.

Claim 9 recites an ingredient cooking-operation recognition system that includes, in part, a sensing means for acquiring observation data which includes an image around the hands of a person who performs a cooking operation and an environment sound that is produced by the cooking operation, and a cooking-flow creating means for, based on the observation data, calculating an observation certainty factor which indicates the certainty factor of at least either of an ingredient that is cooked by the person and the cooking operation of the ingredient, and based on the observation certainty factor, creating a cooking flow for a dish which is prepared by the person.

In contrast to the present invention, Hamada does not disclose a sensing means for acquiring observation data that includes both the image of a cook's hands and environmental sounds produced by a cooking operation, and using the observation data to create a cooking flow for a dish which is prepared by the cook.

Instead, Hamada discloses analyzing a cooking video to associate it with a document using a word spotting system that spots words using general voice templates for keywords extracted from documents. Moreover, there is no disclosure or suggestion to modify Hamada to include a sensing means or to use an environment sound produced by a cooking operation instead

of keywords.

In other words, Hamada does not disclose a sensing means for acquiring *observation data which includes an image around the hands of a person who performs a cooking operation and an environment sound that is produced by the cooking operation*, and a cooking-flow creating means for, based on the observation data, *calculating an observation certainty factor which indicates the certainty factor of at least either of an ingredient that is cooked by the person and the cooking operation of the ingredient, and based on the observation certainty factor, creating a cooking flow for a dish which is prepared by the person.*

For at least the reasons discussed above, it is believed clear that Hamada fails to disclose or suggest the present invention as recited in claim 9.

Regarding claim 16, it is patentable over Hamada for reasons similar to those set forth above in support of claim 9. That is, claim 16 recites disclose a sensing means for acquiring *observation data which includes an image around the hands of a person who performs a cooking operation and an environment sound that is produced by the cooking operation*, and a cooking-flow creating means for, based on the observation data, *calculating an observation certainty factor which indicates the certainty factor of at least either of an ingredient that is cooked by the person and the cooking operation of the ingredient, and based on the observation certainty factor, creating a cooking flow for a dish which is prepared by the person.*

For at least the reasons set forth above, it is believed clear that claims 9 and 16 are not anticipated by Hamada. Furthermore, for at least the reasons set forth above, it is respectfully submitted that one of ordinary skill in the art at the time the invention was made would not have modified Hamada in such a manner as to result in, or otherwise render obvious, the invention of claims 9 and 16. Therefore, it is respectfully submitted that claim 9, and claims 10-15 depending therefrom, and claim 16 are clearly allowable over the prior art of record.

In view of the foregoing amendments and remarks, all of the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action are respectfully solicited.

Should the Examiner believe there are any remaining issues that must be resolved before this application can be passed to issue, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

Sachio NAGAMITSU et al.

/Kevin McDermott/

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Kevin McDermott
Registration No. 48,113
Attorney for Applicants

KM/JRF/km/lkd
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
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